

Approved For Release 2002/05/06 : CIA-RDP77-00512R000100030160-8

CENTRAL INTELLIGENCE AGENCY

WASHINGTON, D.C. 20505

11 SEP 1975

The Honorable Philip W. Buchen
Counsel to the President
The White House
Washington, D.C. 20500

Dear Phil:

When I received on Monday, a copy of the draft Executive Order, "Establishing Restrictions on Domestic Activities of the Central Intelligence Agency", to which we addressed ourselves on Sunday, I asked my senior officers to undertake a quick review and present me with their reactions. They have done so and I am now submitting for your consideration a slightly revised manuscript, the revisions being based on my acceptance of some of their points.

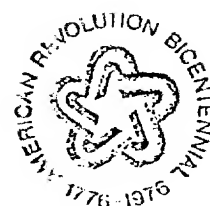
The language concerning the protection of sources and methods which appears three times in the draft has been slightly amended to reflect the appropriate wording of the statute and, also, I have inserted the word "foreign" before "intelligence sources and methods." In Section 13 we have separated out the matter of collecting domestically foreign intelligence from United States citizens as opposed to collection of information from or about a United States citizen abroad. The only other change of note is found in Section 15 which has been slightly amended to allow me to be responsive to the Congressional mandate about not destroying records during the life of the Congressional investigating committees.

I have enclosed for the review of you and your colleagues five copies of the revised draft. I stand ready for additional consultation on this matter at your convenience.

Sincerely,

W. E. Colby
W. E. Colby
Director

Enclosure



STATINTL

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EXECUTIVE ORDER _____
ESTABLISHING RESTRICTIONS ON DOMESTIC ACTIVITIES
OF THE CENTRAL INTELLIGENCE AGENCY

By virtue of the authority vested in me as President of the United States, it is hereby ordered as follows:

SECTION 1. The Central Intelligence Agency (CIA) shall not engage in the collection of information about the activities of United States citizens, nor retain, evaluate, correlate, or disseminate such information, except as specified in this order.

SECTION 2. The CIA shall not infiltrate any organizations of United States citizens. As used herein, "infiltrate" means secret participation for the purpose of reporting on such group or organization.

SECTION 3. The CIA shall not engage in opening of mail, mail covers, or other acts in violation of United States postal laws or regulations.

SECTION 4. The CIA shall not for testing or any other purpose intercept within the United States wire or oral communications to which it is not a party in violation of law.

SECTION 5. The CIA shall not experiment with or test drugs to influence human behavior without the informed consent of each human subject thereof and in accordance with the guidelines

established by the National Commission for the Protection of Human Subjects for Biomedical and Behavioral Research.

SECTION 6. The CIA shall not provide any services, equipment, personnel or facilities to the Law Enforcement Assistance Administration (LEAA) or state or local police organizations of the United States.

SECTION 7. The CIA shall adhere strictly to established legal procedures governing access to Federal income tax information.

SECTION 8. The CIA shall not conduct physical surveillance of persons within the United States except to the extent that such surveillance is not in violation of the law and is:

- (a) Surveillance, in coordination with the Federal Bureau of Investigation, of foreign nationals in the United States in connection with foreign intelligence or counterintelligence operations;
- (b) Surveillance of a person involved with a foreign national under subparagraph (a), but only to the extent necessary to identify such person; or
- (c) Surveillance, upon written approval by the Director of Central Intelligence, of individuals currently or formerly employed by CIA, its present or former contractors, or such contractors' employees, for the purpose of protecting foreign intelligence sources and methods from unauthorized disclosure.

SECTION 9. CIA support to any Federal agency, other than providing foreign intelligence and foreign counterintelligence, shall be limited as follows:

- (a) The CIA activity shall be related to its foreign intelligence or counterintelligence responsibilities;
- (b) The activity of the other agency shall be within its lawful authority;
- (c) When applicable the assistance shall be provided in conformity with the provisions of the Economy Act or other specific acts;
- (d) No CIA personnel shall be involved in any activity inconsistent with the terms of this order.

SECTION 10. CIA personnel may be detailed elsewhere within the Federal government as authorized by law. CIA employees so detailed shall be responsible to the host agency and shall not report to CIA on the affairs of the host agency except as may be directed by that agency. The head of the host agency and any subsequent successor shall be informed of the detailee's association with CIA.

SECTION 11. In interagency discussions on domestic intelligence, the role of CIA shall be restricted to the provision or exchange of information related to foreign intelligence or foreign counterintelligence activity.

SECTION 12. CIA proprietary companies shall not operate on a commercially competitive basis with United States businesses except to the minimum extent necessary to establish commercial credibility. No investments by a proprietary company shall be made on the basis of any substantive intelligence obtained from the CIA.

SECTION 13. The CIA may collect, retain, evaluate, correlate, or disseminate:

(a) Information on its current or former employees (including employees of other Federal departments or agencies detailed for service with the CIA); applicants for employment with the CIA; actual or imminent voluntary CIA sources or contacts; current and former contractors with the CIA and current or former employees or applicants for employment by such contractors; and all persons not included above who must be given authorized access to information which could disclose foreign intelligence sources and methods; provided, however, that the same is done only in accordance with law and by authority from the Director of Central Intelligence to determine the fitness of such persons to become or remain associated with CIA or to have such access, or in the case of a voluntary source or contact, to determine suitability or credibility, or otherwise to the extent the Director of Central Intelligence determines is necessary to protect foreign intelligence sources and methods from unauthorized disclosure.

(b) Information from or about a United States citizen collected abroad or from foreign sources in the course of an authorized foreign intelligence or counterintelligence activity.

(c) Foreign intelligence from United States citizens provided on a witting and voluntary basis. The CIA shall disclose its identity when seeking such foreign intelligence within the United States from United States citizens.

(d) Administrative information of the kind customarily developed and utilized by departments and agencies of the Federal government.

SECTION 14. If in the course of authorized foreign intelligence or foreign counterintelligence activities, the CIA incidentally acquires information about United States citizens which it is not otherwise permitted to collect under this order, it shall not retain or disseminate such information except that information indicating a violation of United States criminal laws shall be transmitted to an appropriate law enforcement agency.

SECTION 15. Any information currently in the possession of the CIA about United States citizens other than those under Section 13(a) which could not have been collected or retained under Section 13(b), (c) or (d) of this order shall be

destroyed under procedures established by the Director of Central Intelligence and in accordance with the provisions of law, provided that the destruction shall be in conformance with procedures established by the Attorney General to allow the maintenance of records for possible judicial proceedings.

SECTION 16. This order does not set forth all restrictions under which the CIA is obligated to operate, and it shall not be construed to derogate from any other restrictions imposed by law or by applicable administrative rules, regulations, or directives or to limit the authority of the National Security Council or the Director of Central Intelligence to promulgate and enforce further restrictions.